

DOCKET NO.: P05748
Customer No.: 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jitendra Mohan
Application No.: 10/728,065
Filed: December 4, 2003
For: METHOD OF USING LOW BANDWIDTH SENSOR FOR
MEASURING HIGH FREQUENCY AC MODULATION
AMPLITUDE
Art Unit: 2613
Examiner: Agustin Bello

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181

Pursuant to 37 C.F.R. §§ 1.181(a) and (c), the Applicant respectfully petitions the Director to exercise his supervisory authority and order that no extension of time fee is due for the filing of a Request for Continued Examination (which is being filed concurrently with this Petition). No fee is believed to be required for this petition.

A final Office Action was mailed on February 11, 2008. The Applicant mailed an Amendment and Response to the final Office Action on April 11, 2008 (by facsimile with the proper Certificate of Transmission). The Amendment and Response was therefore properly filed within 2 months of the mailing date of the final Office Action.

No Advisory Action was ever received.

MPEP § 706.07(f) states that all final rejections setting a three-month shortened statutory period for reply should advise an applicant that the “shortened statutory period will expire at 3 months from the date of the final rejection or on the date the advisory action is mailed, whichever is later” if a reply is filed within two months of the date of the final action. The final Office Action dated February 11, 2008 indicated that if a reply was filed within two months of the mailing date of the final action and an Advisory Action was not mailed until after the end of the three-month shortened statutory period, the “shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.” (02/11/08 Office Action, Page 7, Conclusion).

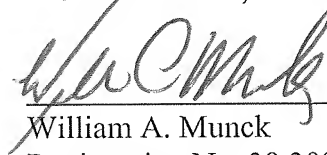
Since the Applicant properly filed a response within two months of the final Office Action and no Advisory Action has been issued for this application, the shortened statutory period for replying to the February 11, 2008 Office Action has not yet ended. Accordingly, no extension of time fee is due for filing the Request for Continued Examination (filed concurrently with this Petition).

The Applicant respectfully requests that no extension of time fee be charged for filing the Request for Continued Examination.

If any issues arise or if the Director has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Director to contact the undersigned at the telephone number indicated below or at wmunck@munckcarter.com.

The Director is hereby authorized to charge any fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,
MUNCK CARTER, P.C.

A handwritten signature in black ink, appearing to read 'W. A. Munck', is written over a horizontal line.

William A. Munck
Registration No. 39,308

Date: Aug. 11, 2008

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
Email: wmunck@munckcarter.com